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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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12 MASTEROBJECTS, INC.,

13 Plaintiff,

14 v.
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16 EBAY, INC.,

17 Defendant.
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Case No.: 3:12-cv-680 JSC

**ORDER RE: ADMINISTRATIVE
MOTION TO SEAL (Dkt. No. 90)**

19 Now pending before the Court is Plaintiff MasterObjects, Inc.’s (“MasterObjects”)
20 Administrative Motion to File Under Seal a Joint Letter Brief regarding MasterObjects’
21 request to compel Defendant eBay, Inc. (“eBay”) to produce certain documents regarding
22 “testing and analysis of the (alleged) economic benefit of the accused eBay search
23 Autocomplete feature and related documents.” (Dkt. No. 90-3, p. 1.) The Administrative
24 Motion to File the Joint Letter Brief and the exhibits thereto under seal is DENIED for failure
25 to comply with Local Rule 79-5.

26 MasterObjects sought leave to file the documents under seal because eBay previously
27 designated the exhibits attached and referenced in the joint statement as confidential pursuant
28 to the parties’ Protective Order. As the party asserting that the contents are confidential, eBay

bears the burden of establishing that sealing is proper pursuant to Local Rule 79-5. However, eBay failed to comply with Rule 79-5 in two respects. First, eBay failed to file “a declaration as required by subsection 79-5(d)(1)(A) establishing that all of the designated material is sealable.” *See* L.R. 79-5(e)(1). Second, even if eBay had filed a declaration as required by Rule 79-5, the request for sealing would still be improper as it is not “narrowly tailored,” and instead, seeks to file the *entire* joint statement and exhibits under seal. *See* L.R. 79-5(b).

Accordingly, the motion to seal is DENIED. MasterObjects shall file (1) the unredacted Joint Statement, (2) Exhibits 1-15 to the Declaration of Spencer Hosie in Support of Motion to Compel Production of Damages Documents, and (3) Exhibits 1-3 to the Declaration of Christopher Shield in Opposition to Motion to Compel Production of Damages Documents on the public docket in accordance with Local Rule 79-5(e)(2).

The previously scheduled telephonic discovery hearing regarding the issues raised in the Joint Statement (Dkt. No. 90-3) remains on calendar.

IT IS SO ORDERED.

Dated: October 23, 2013


 JACQUELINE SCOTT CORLEY
 UNITED STATES MAGISTRATE JUDGE